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KEN WEBER, CHAIR

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TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
October 23, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Matt Johnson, County Attorney; Tara Mastel, JLDC; Liz Burke, Youth Forestry Monitoring Program; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; Ken Vivrette, Bruce and Jackie Wagner

CLAIMS APPROVAL

The Commissioners met at 10:00 on Thursday, October 18 to review and approve claims. There was no discussion. A list of claims is on file in the Clerk and Recorder's office.

CALENDAR REVIEW

10/24 Extension interviews – Whitehall – 8:30
Health Board – 6:30
Jefferson River Watershed meeting – Twin Bridges – 7:00
10/25 Safety Committee – 9:00
Elected Official/Department Head meeting – 10:00
Meeting regarding Bernice project - 1:30
Solid Waste – 7:00

COMMISSION REPORTS

MADISON/JEFFERSON EXTENSION AGENT

Commissioner Weber reported that he was asked to be a part of the interview committee for the Madison/Jefferson extension agent. They have interviewed four applicants, and will be meeting again tomorrow to further review.

MEETING WITH SENATOR TESTER

Commissioner Weber reported that he, members of the public and local officials met with
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Senator Tester on Saturday. Senator Tester showed very strong interest in local issues, on the local and county level. He has offered to lend support for the Bernice and Elkhorn Cemetery projects.

CENTER FOR MENTAL HEALTH

Commissioner Lythgoe reported that he attended the Center for Mental Health board meeting in Great Falls the previous day.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Commissioner Notbohm stated that this is not a big concern, but he noticed that “committee and board reassignments” is on the agenda for the next meeting. He is wondering if a list will be given out before the meeting, as this is usually done at the beginning of the year. Commissioner Weber stated that the current appointment list can be provided so that it can be reviewed for any changes before the next meeting. Commissioner Lythgoe stated that there are some committees and boards that aren’t being well attended by the Commission appointees, so they need to discuss reassignments.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL – COLLINS MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report for this four-lot minor subdivision located west of Montana City. The parcel contains 20.832 acres, to be divided into four lots ranging in size from 5.00 to 5.585 acres. The developer has opted for a cash-in-lieu donation to the Montana City Volunteer Fire Department. Mike recommended that final plat approval be granted.

Commissioner Lythgoe moved to grant final plat approval to the Collins Minor Subdivision. Commissioner Notbohm seconded. The motion carried.

FINAL PLAT APPROVAL – TRAVIS CREEK MINOR SUBDIVISION

This item has been moved to a future agenda, as the developer is not yet ready for final plat approval.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON GREAT WEST PROPOSAL FOR GROWTH POLICY AND SUBDIVISION REGULATION UPDATES

Commissioner Weber stated that he spoke with Bill Lloyd of Great West Engineering that morning. He stated that his understanding of this is that the growth policy part of this needs to go back to the Planning Board for more direction. Harold Stepper, County Planner, stated that the initial bid was ridiculous and added way more than we need. We just re-did the growth policy about five years ago. His recommendation on the subdivision regulations is to hold off until

everything is completed with the growth policy, as they fit together. There is a planning board meeting scheduled for mid-November and it is on the agenda to discuss the growth policy. Commissioner Lythgoe stated that he would disagree. He agrees with the concerns regarding the growth policy, but he feels that they should move ahead with the subdivision regulations. We have been waiting for a long time to get these updated, and we need to move ahead. If there is some updating to be done to the growth policy, it can be done at a later time. He thinks that they can get started on that without impacting the growth policy piece. He doesn't want to wait on the subdivision regulations.

Commissioner Weber stated that one thing Bill indicated this morning is that Harold is leaning toward using the state model and adding in Jefferson County specific items. Harold stated that this is correct. They are pretty close to having everything updated. Commissioner Weber asked what time frame they are looking at for the growth policy, and what help they would need. Harold stated that his recommendation would be to wait until after the November Planning Board meeting. The minor reviews that they would have to do in there would take two to three months max. Commissioner Weber stated that it seems appropriate then to separate these and act on them individually.

Commissioner Weber moved not to retain Great West for their proposal to update the growth policy, but to allow the planning staff to move forward with their updates. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to retain Great West for their proposal to use the state model regulations and incorporate Jefferson County's needs into them to update the subdivision regulations documents. Commissioner Lythgoe seconded. The motion carried.

LIZ BURKE – YOUTH FORESTRY MONITORING PROGRAM – END OF YEAR UPDATE AND FUNDING REQUEST

Liz Burke, Youth Forestry Monitoring Program, came with three of the students that took part in this summer's program. They presented a brief power point presentation that was a portion of a weed presentation that was done at the end of the season. She also presented a year-end program report. Liz stated that one of the neat things that they were able to do this year was to go to the Alexander's science camp site at Canyon Ferry Lake and do some team building and bonding, as the students came from three different areas. They worked through scenarios and brainstormed outcomes. Liz presented a CD with all of the team presentations and a certificate of appreciation and thank you cards.

Liz stated that she is also asking for continued financial support. She understands that Title III is still a bit up in the air at this time. They are asking for \$10,000 from Jefferson County for the coming year. Commissioner Notbohm asked if they had any time to do any fishing when they went out. Did do some fishing when they went up to Heart Lake. Commissioner Weber stated that he did discuss funding with Senator Tester on Saturday. Commissioner Lythgoe stated that he has attended the final presentation in the past, but has missed it the last couple years. He is very impressed with the work that they do.

JLDC UPDATE

Tara Mastel, JLDC Manager, came before the Commission to present an update on their recent activities. They are continuing activities with CTAC and MTAG. Golden Sunlight Mine currently has 140 employees. The backfill of the pit was ruled moot by the State Supreme Court and sent back to District Court for consideration. Montana Tunnels is still considering donating 67 acres of land for the business park, and they are working on the lease.

They are still working on the study for the upgrade of the water and sewer at the south campus. They will be applying for grant funding to make the recommended upgrades.

Tara stated that she spoke at the Boulder chamber meeting regarding preparedness in case of a forest fire. She was also invited to speak at a SBDC meeting in Ennis about the JLDC and their activities. Regarding the Whitehall Business Park, the DEQ is currently reviewing water and sewer plans. They shouldn't look for any approvals before the first of the year.

They are continuing to work with Elkhorn Goldfields to form a group similar to CTAC in Whitehall and MTAG in Jefferson City. The mine staff is doing a good job of keeping people up-to-date with what is happening with the mine.

The Whitehall Horizons group has just completed the visioning sessions. They met with different demographic groups and community surveys have been sent out. They will compile the data and come up with a vision statement and action plan. Boulder Horizons is in the process of planning the visioning phase.

NAHN in Boulder has had the first five families pick out lots and floor plans, and NAHN working on the site plans. NAHN has a buy-sell agreement on 11 acres in Whitehall; some of the neighbors have some of the same concerns as some of the Boulder residents had – which they are working to overcome and quell.

Commissioner Weber asked Tara to touch on the *Boulder Monitor's* 100th anniversary celebration. Tara stated that her work would not have been quite as successful as it has been without Jan's cooperation. Commissioner Weber stated that it was very interesting reading some of the articles from the last 100 years.

DISCUSS AND DECIDE ON COUNTY PURCHASE OF WAGNER'S BOULDER ADMINISTRATION BUILDING WITHOUT A TRADE OF COUNTY PROPERTY

Bruce Wagner stated that due to the time constraints and the length of time to go through the process outlined by the judge, he wanted to explore the possibility of selling his building without the trade of land. Commissioner Weber asked Bruce if he recalls what the appraised value of the office building is. Bruce stated that it is \$169,000. Commissioner Weber asked if this is what they are asking for the building. Bruce stated that it is. Commissioner Weber stated that he received a comment from a member of the public that there has been a lot of discussion about the potential trade for the building, but not much as to why this is important. Commissioner Weber stated that what he has developed in his mind is this: they need more room for the Treasurer's office. One thought is that the Commission could move into the Wagner building, the

Department of Revenue could move into our space and the Treasurer could expand into the Department of Revenue space. Also, the Clerk and Recorder is also running out of room. He started thinking about who to combine with the Commission in the Wagner building, and decided that the County Attorney makes sense. This would allow the Clerk and Recorder to expand into County Attorney space. Looking at the space, the Commission and County Attorney won't fit into the building, so would need to add on. This would allow us the ability to design the space to fit our needs. Commissioner Weber stated that this is his vision of why he thinks this would work, and he asked for other comments.

Commissioner Lythgoe stated that his vision is similar to Commissioner Weber's. When this first came up and other staff became aware of the possibility of expanding, many different options were discussed. They looked at the possibility of expanding the annex, to deal with the Treasurer's lack of space fairly easily. He has thought about that for some time. When the Wagner property became available, the thought came to him that the Commission move out of the annex, and provide the ability for everyone to move south in the annex. As to the Attorney's moving over, they became aware of the possibility and suggested that it might be a good opportunity for the Clerk and Recorder to have more space by expanding into their space and the law library. The extra lots next to the building would give the possibility of expansion also. At one time, the Health Department was having problems in their current location, and there was discussion of them moving into that space. Those are the kinds of things that entered into his mind, plus the idea that it solved more than one problem. If they expanded the annex for the Treasurer, it doesn't address the Clerk and Recorder's need for more space. This just makes sense to him, and it completes the campus.

Commissioner Notbohm stated that he would have hoped to have meetings with other elected officials about this by now. Most homes aren't conducive to office space. He would like the lot, as it is in a good location. His idea would be to move the house and construct something like the annex. He would like input from the other elected officials. Commissioner Weber stated that he just made himself a note regarding Justice Court, as they are really running out of space and stepping on each other. If we had that lot, we would have room to expand their space also. This naturally adds into his thought that we need to be looking ahead 20 years and what we will need in the future. Commissioner Lythgoe stated that he would add that even with this property, we may need to expand the annex building at some point and may need to create some kind of underground tunnel to connect the buildings. As it stands now, the Clerk and Recorder is taking a lot of space for storage, and needs more. He feels that the Wagner property would be a good addition to the campus and feels that this would be a very realistic option. Commissioner Notbohm noted that the square footage available isn't enough to alleviate the problems that the County will be looking at in the next 20 years.

Commissioner Weber stated that his thinking to expand on the building is the historical continuity of the courthouse area. That is why he would like it to stay and what he likes about the building. Commissioner Lythgoe agreed that he would like to keep the building, but it would need to be studied.

Commissioner Weber stated that one of the great arguments that Commissioner Notbohm has

raised regarding the building is the inspection report and asked if he would like to address any of the items. Commissioner Notbohm stated that this inspection was quite thorough. He was asked at a previous meeting if he had a problem with the price of the building, which he doesn't. He feels that it would be better for us to have a contractor read the inspection and provide a quote to fix the deficiencies mentioned in the report, such as the roof and insulation. This is something that needs to be looked at before we buy something, so that we know what it would cost to make usable.

Bruce stated that the roof was put on about the same time the courthouse was built. What the inspector did not address is the joints in the roof and the lack of gaps where the beams have not moved due to shrinkage. Structurally, he doesn't see a problem, nor does his architect. This is a cosmetic rather than a structural defect. The sag in the roof is very small. Where the inspector is looking at a layer of shingles under the wood shakes, is a single layer used as an underlayment for the first row, and doesn't extend over the entire roof. Also, the pitch of the roof is such that they don't have to worry about snow load. Bruce mentioned several other things that were, in his opinion, wrong with the inspection report.

Commissioner Notbohm stated that normally when selling a house, an inspection is required. With this house, it is an old building, and it would be good to get a cost of what it will take to make the building work for us. Commissioner Lythgoe stated that he went through the inspection report a couple times. He did not consider any of the things he read of particular concern. He can't see a sag in the roof, and the only other concern he has is the foundation. Bruce stated that it is a rock foundation and that there is no crawlspace under it. There are timbers on top of the rock foundation. They did put a gas main in for the new furnace, and had to go through the rock and timber for that. On the outside, there was maybe a quarter-inch of dry rot on the 12-inch timbers, so he is not concerned with the foundation. Commissioner Lythgoe stated that the age of the building doesn't concern him; there have been significant updates to the building. That the house is standing, that it looks as good as it does, that it is structurally sound, that is what is important. The other things mentioned are minor. Commissioner Lythgoe noted that one of the first things he had to deal with when he came into office was that the courtroom roof was sagging. Some who looked at it felt that it was going to be a huge expense to fix, but it turned out to be minor.

Commissioner Weber asked if there are gable vents in the attic. Bruce stated that there aren't. Truth be known, the attic isn't that air-tight that you have to worry about it, and they are easy enough to install. Commissioner Weber stated that it is his recollection that the inspector didn't feel it was a problem. Commissioner Weber asked if there has been any discussion with the city regarding removal of the tree out front to stop the sidewalk heave. Bruce stated that his plan has been to redo the front sidewalk. Commissioner Weber asked about ADA requirements. Bruce stated that they did have to have an inspection. The building passed with the exception of one item in a bathroom, for which they received a waiver. Bruce also stated that he checked, and there is no difference in standards between a county building and a business for ADA requirements.

Commissioner Notbohm stated that the main structure of the house has never been rebuilt or

redone; all of the updates have been cosmetic. As for the items that were mentioned relating to the roof, the fixes are minor, but his main concern is the structure of the roof. Commissioner Lythgoe stated that one thing Bruce pointed out is where the inspector noted two layers of shingles plus the metal roof, this is not the case. Bruce stated that what he has seen is just the starter row. Commissioner Notbohm stated that the inspector's concern is the weight. Commissioner Weber read from the report, and noted that the inspector states that the layers of roofing is not to industry standards, but does not note this as a concern. Commissioner Lythgoe agreed that the pitch of the roof is so steep, snowload won't be a problem. The problem that he sees is the lack of rain gutters, because if you have water running down next to the foundation, it can cause a problem. Thinking further, the amount of rain that we get probably won't cause a problem. The problem is if you have plants at the foundation which are watered regularly; this is what will erode a rock foundation. While the amount of water coming off of the roof from rainfall he doesn't see as a problem, he does feel that rain gutters make sense. Bruce stated that regarding rain gutters, he is not sure that they would survive the winter, with the snow coming off of the roof.

Commissioner Notbohm stated that bottom line, Bruce wants "x" amount of money for his building, and we need to know going into it what it will cost us for upgrades and decide if we want to make a counter-offer. Bruce stated that if the County is going to add on, it would be best to do that and address any concerns all at once. Commissioner Lythgoe stated that in his mind, the things they are talking about fixing are pretty minimal. If we decide that we need to do some things to the interior, that is where the significant costs will come in. As far as dealing with those things in the inspection report, not a lot of costs, unless you were going to replace the roof, which he doesn't think is necessary. Commissioner Notbohm stated that he would rather that someone other than he or Commissioner Lythgoe come up with a cost estimate. Commissioner Weber stated that part of the reason he appreciated the comment from the citizen that we should have this discussion, was his thought process was first let's decide if we are going to buy the building. Then, discussion of what to do with the building could be on future agendas. Commissioner Weber stated that today's discussion is whether or not we buy the building, with no trade involved.

Commissioner Lythgoe moved to enter into a buy-sell with the Wagners to purchase their building and that we establish a closing date that is within 30 days, at the appraised price of \$169,000. Commissioner Weber asked about a funding source. Commissioner Lythgoe stated he would like to deal with this motion first. Commissioner Weber seconded. Commissioner Notbohm stated that until such a time as we know the costs to make the building usable, he wouldn't vote for this at this price. He feels that we are shooting in the dark; he feels that a counter-offer should be made. Commissioner Weber asked what type of counter-offer he would suggest. Commissioner Notbohm stated that he can't say without an estimate to correct some of the deficiencies. Bruce noted that the appraisal was done at the existing condition of the house. Commissioner Lythgoe stated that he is confused, as Commissioner Notbohm stated at a previous meeting that he had no problem with the price of the Wagner building. Commissioner Notbohm stated that they got different things from the inspection report. Commissioner Lythgoe stated that if we are going to add on, which is something that he feels that they will consider, he thinks that the money spent to deal with some of the items mentioned in the

inspection report will be minor, compared to what they will spend to make the building functional for the county. Commissioner Notbohm stated that he would protest the purchase under these circumstances. This is public money that they are talking about and he thinks that they need to do this in the best interest of the taxpayer, and he doesn't feel that this is being done. The motion carried, with Commissioner Weber and Commissioner Lythgoe voting aye and Commissioner Notbohm voting nay. Commissioner Notbohm stated that he wants it noted in the minutes that he protests this purchase.

Commissioner Lythgoe stated that he thinks that we may need to take out a temporary loan for the purchase of the building, probably from the general fund. We will have to borrow the money to do whatever we decide to do. Commissioner Notbohm stated that we also need to discuss the leasing back of the building. Bruce asked who his contact person should be on this. Commissioner Lythgoe stated that his recommendation would be that he negotiates with the Chair.

Commissioner Notbohm stated that he and Matt have something in District Court regarding the other property. He has told Matt that he feels we should pursue the other appraisal on that property. Commissioner Weber noted that this is on a future agenda, and that process is still moving forward. Matt stated that he thinks that Commissioner Notbohm as citizen Notbohm and himself as representing the Commission are working on a proposal to give to the District Court Judge when that date comes. Commissioner Lythgoe asked if another appraisal is required, or if this is a group that comes together and looks at the appraisals and determines if the last appraisal is appropriate. Matt stated that there will need to be a new appraisal. Commissioner Lythgoe stated that if there is going to be a new appraisal, why need the group to say that an appraisal is needed. Matt stated that the Judge set up an order as to how things are to proceed. Commissioner Lythgoe stated that he read the order, and he is still confused. Commissioner Notbohm stated that the Judge didn't have a clue. He wrote it down, and because the law is vague, he didn't know what to write down; this is pretty obvious. Matt stated that the Judge is looking for proposals from both sides. He and Commissioner Notbohm had a good discussion of what is needed to get to the next appraisal.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER